

David F. Knobel, MT Bar #212614  
CROWLEY FLECK, PLLP  
P.O. Box 2529  
Billings, MT 59103-2529  
Email: dknobel@crowleyfleck.com  
Tel: 406-252-3441

Attorney for Plaintiff Flathead Warming Center

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MONTANA  
MISSOULA DIVISION**

FLATHEAD WARMING  
CENTER,

Plaintiff,

vs.

CITY OF KALISPELL,

Defendant.

Case No. 9:24-cv-00141-KLD

**PLAINTIFF'S MOTION FOR  
LEAVE TO APPEAR PRO HAC  
VICE**

Pursuant to Rule 83.1(d) of the Local Rules of the United States District Court for the District of Montana, Defendant Flathead Warming Center, through counsel David F. Knobel, of Crowley Fleck PLLP, an attorney in good standing before this Court, respectfully moves the Court for an Order admitting JEFF ROWES and CHRISTEN HEBERT, to each appear as counsel for Plaintiff, Flathead Warming Center. As grounds for this Motion, David F. Knobel states as follows:

1. I am an attorney who is a member in good standing with the bar of this court, Montana Bar Number 212614.

2. I maintain a physical office within the geographical boundaries of the District of Montana, and with whom the court and opposing counsel may readily communicate regarding the conduct of the case, upon whom documents will be served, and who will be responsible to participate as required under Local Rule 83.1(d)(7).

3. I seek the Court's permission to admit JEFF ROWES and CHRISTEN HEBERT, to represent Plaintiff, Flathead Warming Center, in this matter.

4. I acknowledge that JEFF ROWES and CHRISTEN HEBERT are each subject to all applicable provisions of the Montana Rules of Professional Conduct and the Federal Rules of Civil Procedure.

5. Pursuant to Local Rule 83.1(d)(4), opposing counsel has not been contacted.

As required by Local Rule 83.1(d), and as further grounds for this Motion, attached are:

1. Affidavit of Jeff Rowses to Appear Pro Hac Vice; and
2. Affidavit of Christen Hebert to Appear Pro Hac Vice;

WHEREFORE, for the foregoing reasons, set forth in accordance with Local Rule 83.1(d) of the United States District Court for the District of Montana, David F. Knobel respectfully requests that the Court enter an order granting JEFF ROWES and CHRISTEN HEBERT permission to appear as counsel for Plaintiff, Flathead Warming Center, in this action.

RESPECTFULLY SUBMITTED this 9th day of October, 2024.

*/s/ David F. Knobel*

David F. Knobel

P.O. Box 2529

Billings, MT 59103-2529

Email: [dknobel@crowleyfleck.com](mailto:dknobel@crowleyfleck.com)

Tel: 406-252-3441

*Counsel for Plaintiff*

**Certificate of Service**

I certify that that I have served copies of the foregoing motion, and the supporting affidavits via process server on:

City of Kalispell  
201 1st Avenue East  
Kalispell, MT 59901

Dated: October 9, 2024

*/s/ David F. Knobel*  
David F. Knobel  
P.O. Box 2529  
Billings, MT 59103-2529  
Email: [dknobel@crowleyfleck.com](mailto:dknobel@crowleyfleck.com)  
Tel: 406-252-3441

David F. Knobel  
P.O. Box 2529  
Billings, MT 59103-2529  
Email: dknobel@crowleyfleck.com  
Tel: 406-252-3441

Jeff Rows\*  
Christen Hebert\*  
INSTITUTE FOR JUSTICE  
816 Congress Avenue, Ste. 970  
Austin, Texas 78701  
\* *Pro hac vice pending*

Attorneys for Plaintiff Flathead Warming Center

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MONTANA  
MISSOULA DIVISION**

FLATHEAD WARMING  
CENTER,

Plaintiff,

vs.

CITY OF KALISPELL,

Defendant.

Case No. \_\_\_\_\_

**AFFIDAVIT OF JEFF ROWES  
TO APPEAR PRO HAC VICE**

**JEFF ROWES**, hereby certifies as follows:

1. I am a Texas resident and attorney-at-law and a member of the law firm of the Institute for Justice, 816 Congress Avenue, Suite 970,

Austin, Texas 78701. I make this Declaration in support of my application, pursuant to L.R. 83.1 (d)(4) for admission to this Court *pro hac vice* to represent Plaintiff in this matter. The Institute for Justice's telephone number is (512) 480-5936, fax: (512) 480-5937. My email address is jrowes@ij.org.

2. Upon my *pro hac vice* admission, I agree:

- a. to pay, simultaneously, the \$273 admission fee required and shown on this court's website;
- b. to abide by the Local Rules of the United States District Court for the District of Montana, including L.R. 83.1(d)(6);
- c. to notify this Court immediately of any matter affecting my standing in the bar of the State of New York, the State of Texas, or any other Court to which I am admitted.

3. I certify that I have reviewed the CM/ECF User's Guide for Filing in the District of Montana, and I am proficient in electronic filing in another federal district court.

4. I am and have been a member of the New York Bar since April 14, 2004 (bar no. 4211991); the Texas Bar since August 25, 2017 (bar no. 24104956) the bar of the United States District Court for the Northern

District of Indiana since July 31, 2023; and the bars of the United States Courts of Appeals for the Fourth Circuit (January 7, 2008), Fifth Circuit (October 23, 2018), Sixth Circuit (May 31, 2006), and Ninth Circuit (April 28, 2010). I am also a member of the bar of the U.S. Supreme Court (October 29, 2007).

- a. I am in good standing and eligible to practice in each of the foregoing courts.
- b. I have not been suspended or disbarred from any Court.
- c. I have not been the subject of disciplinary action by the bar of any Court at any time.

5. I have not concurrently or within the past two years preceding the date of this application made any *pro hac vice* application to this court.

6. I understand that *pro hac vice* admission in this court is personal to the attorney only and is not admission of a law firm and that I will be held fully accountable for the conduct of the litigation in this court.

7. I certify that I have complied with Montana Rule of Professional Conduct 8.5.

8. Plaintiff has retained the law firm of Crowley Fleck PLLP, as local counsel in this matter.

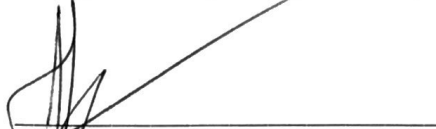
9. I understand that noncompliance with any of these requirements shall constitute grounds for revocation of my *pro hac vice* admission.

I HEREBY CERTIFY under penalty of perjury, that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Dated: October 8, 2024

Respectfully submitted,

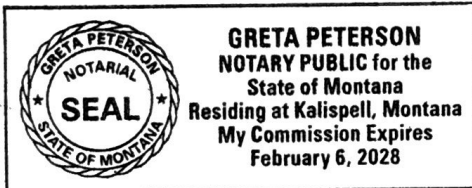


Jeff Rows  
INSTITUTE FOR JUSTICE  
816 Congress Ave., Ste 970  
Austin, TX 78701

State of Montana )

County of Flathead )

SUBSCRIBED AND SWORN ~~TO~~ by Jeff Rows (only)  
Before me this 8th day of October, ~~2025~~ 2024



[Signature of Notarial Officer]

Notary Public  
[Title of Officer]

[Official Stamp]

David F. Knobel  
P.O. Box 2529  
Billings, MT 59103-2529  
Email: dknobel@crowleyfleck.com  
Tel: 406-252-3441

Jeff Rowes\*  
Christen Hebert\*  
INSTITUTE FOR JUSTICE  
816 Congress Avenue, Ste. 970  
Austin, Texas 78701  
\* *Pro hac vice pending*

Attorneys for Plaintiff Flathead Warming Center

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MONTANA  
MISSOULA DIVISION**

FLATHEAD WARMING  
CENTER,

Plaintiff,

vs.

CITY OF KALISPELL,

Defendant.

Case No. \_\_\_\_\_

**AFFIDAVIT OF CHRISTEN  
HEBERT TO APPEAR  
PRO HAC VICE**

**CHRISTEN HEBERT**, hereby certifies as follows:

1. I am a Texas resident and attorney-at-law and a member of the law firm of the Institute for Justice, 816 Congress Avenue, Suite 970,

Austin, Texas 78701. I make this Declaration in support of my application, pursuant to L.R. 83.1(d)(4) for admission to this Court *pro hac vice* to represent Plaintiff in this matter. The Institute for Justice's telephone number is (512) 480-5936, fax: (512) 480-5937. My email address is chebert@ij.org.

2. Upon my *pro hac vice* admission, I agree:

- a. to pay, simultaneously, the \$273 admission fee required and shown on this court's website;
- b. to abide by the Local Rules of the United States District Court for the District of Montana, including L.R. 83.1(d)(6);
- c. to notify this Court immediately of any matter affecting my standing in the bar of the State of New York, the State of Texas, or any other Court to which I am admitted.

3. I certify that I have reviewed the CM/ECF User's Guide for Filing in the District of Montana, and I am proficient in electronic filing in another federal district court.

4. I am and have been a member of the Texas Bar since May 2, 2016 (bar no. 24099898); the bar of the United States District Court for the Western District of Texas since June 22, 2018; the bar of the United

States District Court for the Southern District of Texas since June 23, 2023; and the bars of the United States Courts of Appeals for the Second Circuit (November 1, 2022), and Fifth Circuit (November 18, 2021). I am also a member of the bar of the U.S. Supreme Court (January 9, 2023).

- a. I am in good standing and eligible to practice in each of the foregoing courts.
- b. I have not been suspended or disbarred from any Court.
- c. I have not been the subject of disciplinary action by the bar of any Court at any time.

5. I have not concurrently or within the past two years preceding the date of this application made any *pro hac vice* application to this court.

6. I understand that *pro hac vice* admission in this court is personal to the attorney only and is not admission of a law firm and that I will be held fully accountable for the conduct of the litigation in this court.

7. I certify that I have complied with Montana Rule of Professional Conduct 8.5.

8. Plaintiff has retained the law firm of Crowley Fleck PLLP, as local counsel in this matter.

9. I understand that noncompliance with any of these requirements shall constitute grounds for revocation of my *pro hac vice* admission.

I HEREBY CERTIFY under penalty of perjury, that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 8, 2024

Respectfully submitted,



Christen Hebert

INSTITUTE FOR JUSTICE

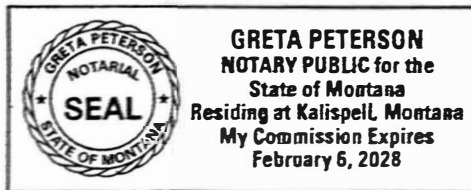
816 Congress Ave., Ste 970

Austin, TX 78701

State of Montana )

County of Flathead )

SUBSCRIBED AND SWORN TO by Christen Herbert (only)  
Before me this 8th day of October, 2024



[Signature of Notarial Officer]

Notary Public

[Title of Officer]

[Official Stamp]